

# SENATE BILL REPORT

## SB 5492

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As of February 1, 2007

**Title:** An act relating to notification to employers of workers' applications for compensation under Title 51 RCW.

**Brief Description:** Requiring notification to employers of workers' applications for compensation under Title 51 RCW.

**Sponsors:** Senators Clements, Holmquist and Kohl-Welles.

**Brief History:**

**Committee Activity:** Labor, Commerce, Research & Development: 1/30/07.

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Staff:** Sherry McNamara (786-7402)

**Background:** Under the current reporting system for workers' compensation claims, the law requires whenever an accident occurs to any worker, that worker or someone else on his or her behalf must report it to his or her employer, superintendent, or supervisor in charge of the work. The employer is required to report such accidents and any resulting injury to the Department of Labor and Industries (L&I) where the worker has received treatment from a health care provider, been hospitalized, disabled from work, or has died as the apparent result of such accident and injury.

The worker reports the injury to a health care provider who, in turn, reports the injury to the L&I. L&I will process the claim and notify the employer.

**Summary of Bill:** The worker is required to provide written notice that he or she filed a workers' compensation claim to his or her employer within 10 days after receiving medical treatment.

L&I is required to develop forms for the worker to notify his or her employer of a claim.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2007.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff Summary of Public Testimony:** PRO: As employers, we assist our employees with the worker's compensation claim process. If we have some notification of an injury we can gather the necessary data to expedite the claim's process. The biggest protest we receive is from employers not knowing about the claim. When this happens the claim is delayed. This bill's notification to employers will hopefully help us in getting the worker back to work sooner; and to avoid and fix any safety risks for other employees.

It is problematic for employers when a worker begins treatment for a claim that is obviously not work related. The worker files the claim several months later. L&I accepts the claim despite the doctor's report that it is not work related and L&I does not seek any input from the employer before accepting the claim.

L&I is currently not enforcing the law or the WAC which makes it mandatory for workers to report promptly to employers when they have a workplace accident or suffer an injury on the job.

L&I is working with stakeholders on several projects including online reporting as well as revising the forms they are using for the claims. The Employer Reporting Pilot program is working and will help us identify areas that we might "tweak" to make the system better.

OTHER: The bill is redundant of our process.

**Persons Testifying:** PRO: Tammie Hetrick, Washington Retail; Michael Temple, Washington State Trial Lawyers Association; Dan Fazio, Washington Farm Bureau; Gary Smith, Independent Business Association.

OTHER: Vickie Kennedy, L&I.